UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,174	03/16/2006	Simon Jeremy East	357358.00003-US	5211

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Saul Ewing LLP (Philadelphia)
Attn: Patent Docket Clerk
2 North Second St.
Harrisburg, PA 17101

EXAMINER
FAN, HUA

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 April 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-16_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), filed on 4/28/2009 in this application after final rejection. Since this application

is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/2009 has been entered. Claims

1-16 are pending.

Response to Arguments

2.   Applicant's arguments have been considered but are moot in view of the new ground(s)

of rejection.

Drawings

3.   The subject matter of this application admits of illustration by a drawing to facilitate

understanding of the invention. Applicant is required to furnish a drawing under 37

CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 10 recites the limitation "the cached data on the phone should stay

cached...normal download". There is insufficient antecedent basis for this limitation in the

claim. The preceding claim 1 does not recite "cached data, phone, cached, or normal download".

For the sake of examination, examiner interprets the limitation broadly as "determine how long

data should stay and device downloads from the web server".

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chow

et al (US patent 6029175).

As to claim 1, Chow et al discloses a method of providing content to a mobile web

browsing device from any of several different web servers, comprising the steps of:

(a) receiving at a remote computer (figure 1, "Revision Manager", connected to both the

device (figure 1, "Any CCI capable Web Browser") and each of those web servers (figure 1,

"Remote HTTP Server 4a, 4b, and 4") over a network (figure 1), a log of data identifying content

that has been viewed by that specific device, the log being generated and sent by the device (col.

4, line 57- col. 5, line 3, user's local machine is the device that sends the log of data, a resource in

URL that the Revision Manager retrieves for the user, "when the user views the modified

retrieved object, the form allows the user to specify whether this is an object of interest, see also

figure 26, for example, "http://www.teknowledge.com/HBURST/", is such log of data

identifying content that has been viewed by the user device);

   (b) the remote computer automatically identifying any of that viewed content that has

been updated (col. 5, lines 50-65, "(6) spontaneously updating of the cache when objects of

interest have changed");

   (c) the remote computer automatically causing <u>only that viewed and </u>any of that updated

content stored on any of the web servers to be sent to the device over the network (col. 4, lines 5-

12, "only those pages that a client specifically requests to be updated automatically"; lines 34-39,

"automatically to the change in the information within a previously viewed document"; col. 10,

line 67 – col. 11, line 3; col. 14, lines 9-13, "saving the cache information file and sending the

WWW document back to the client");

   (d) causing that <u>viewed and </u>updated content to be automatically stored in device

memory (col. 5, lines 50-65, "(6) spontaneously updating of the cache when objects of interest

have changed; (7) notification of interested parties when objects of interest have changed"; col.

4, lines 25-39, "when the Revision Manger is located close to multiple users… shared local

cache…accessing a shared cache of automatically updated documents…". The shared cache is

equivalent to the device memory).

   As to claim 2, Chow et al discloses the method of Claim 1 in which the log is generated

at the device and replicated at the remote computer (col. 4, line 57 – col. 5, line 5; figure 26, for

example, "http://www.teknowledge.com/HBURST/", is generated at the user device and

replicated at the Revision Manager, so that it can altered and presented to the user).

As to claim 3, Chow et al discloses the method of Claim 1 in which the remote computer views multiple content from the web server and determines if the content has changed (col. 10, lines 60-67, the Revision Manager receives multiple content, the entire updated document, or a status code, and determines if the content has changed; figure 21; col. 19, lines 28-35, "response status code" and an attached updated document).

As to claim 4, Chow et al discloses the method of Claim 1 in which the remote computer views multiple content from the web server and determines when the content has changed (col. 10, lines 60-67, the Revision Manager views multiple content, the entire updated document, or a status code, and determines when the content has changed when the viewed content is determined to be the entire updated document; figure 21; col. 19, lines 28-35, "time value").

As to claim 5, Chow et al discloses the method of Claim 1 in which the remote computer is notified by the web server if the content on the server has changed (col. 10, lines 60-67, "status code").

As to claim 6, Chow et al discloses the method of Claim 1 in which the remote computer directly sends updated content to the device or causes the updated content to be sent to the device (col. 5, lines 50-65, "(6) spontaneously updating of the cache when objects of interest have changed; (7) notification of interested parties when objects of interest have changed"; col. 4, lines 25-39, "when the Revision Manger is located close to multiple users… shared local cache…accessing a shared cache of automatically updated documents…" is equivalent to "directly sent"; col. 10, line 67 – col. 11, line 3 is equivalent to "indirectly sent").

As to claim 10, see 112 rejection and examiner's interpretation above. Chow et al discloses the method of Claim 1 in which the remote computer determines how long the cached

data on the phone should stay cached before the data is removed and the device goes back to

using a normal download from the web server (claim 5; claim 71, (b)).

As to claim 11, Chow et al discloses the method of Claim 1 in which the remote

computer sends data to the device that automatically causes the device to display a link to new

content (figure 30, "this is an update from: http://www.teknowledge.com/HIBUST"), the new

content being automatically stored on the device (see similar rejection to claim 1).

As to claim 12, Chow et al discloses the method of Claim 1 in which the device includes

a user interface that indicates whether given content is already stored in device memory or not

(figure 26, "Alert me on source update for: http://www.teknowledge.com/HIBURST/" indicates

the original content is already stored in device memory (retrieved at least once already), see col.

4, line 57 - col. 5, line 3).

Claim Rejections - 35 USC § 103

8.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

9.   Claims 7-9 and 15-16 are rejected under 35 U.S.C. 103(a) as unpatentable over Chow et

al, as applied to claim 1 above, and further in view of Desai et al (US2003/0088580).

As to claim 7, Chow et al discloses the method of Claim 6 in which the remote computer

is connected to both the device and each of the web servers over a network (see rejection to

claim 1), and wherein the remote computer makes a decision whether or not to send, or cause to

be sent, the updated content (figure 21, col. 19, lines 30-65), but does not expressly disclose a

wireless network or taking into account one or more of the following: (b) how often the user

views the content; (e) what an operator of the wireless network wants to promote. Desai et al

discloses a wireless network ([0022], "mobile computing device") and taking into account the

following: (b) how often the user views the content (Desai et al, [0032], lines 4-8); (e) what an

operator of the wireless network wants to promote (Desai et al, [0034], lines 3-6).

At the time of invention, it would have been obvious to a person of ordinary skilled in the

art to combine the teachings disclosed by Chow et al, with the teachings disclosed by Desai et al

regarding a wireless network and taking into account one or more of the factors listed above.

The suggestion/motivation of the combination would have been to extend the applicability of the

system to a widely accepted network type, wireless network, and also to make the updating

procedure configurable to improve user friendliness.

As to claim 8, Chow-Desai discloses the method of Claim 7 in which the operator of the

wireless network set thresholds for at least one of the above conditions (Dasai, [0032], lines 11-

18; [0033], lines 21-23, "weighting coefficient"). It is obvious to a person of ordinary skill in the

art to apply the method of setting threshold for one of the conditions to setting the threshold for

more conditions.

As to claim 9, Chow-Desai discloses the method of Claim 7 in which these thresholds are

controlled at the remote computer and so can be updated at any point by the operator if it wants

to implement different caching strategies (Desai, [0032]; [0033]).

As to claim 15, Chow-Desai discloses the method of Claim 1 in which the updated

content is sent at off-peak periods or to otherwise fill bandwidth troughs (Desai, [0008]; [0023],

lines 39-44).

As to claim 16, Chow et al discloses a web browsing device able to download and store

content from a web server over a wireless network, wherein the device is programmed to:

(a) create a log of data identifying the content that is being viewed by the device (see similar rejection to claim 1);

(b) send that log to a remote computer, the remote computer being connected to the web server and the device over the wireless network (see similar rejection to claim 1);

(c) receive from the web server any content that has been identified by the remote computer as having been updated (see similar rejection to claim 1);

(d) automatically store only that viewed and updated content in memory (see similar rejection to claim 1).

Chow et al does not expressly disclose a mobile device. Desai et al discloses a mobile device ([0022], "mobile computing device").

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the teachings disclosed by Chow et al, with the teachings disclosed by Desai et al regarding a wireless device. See similar motivation in rejection to claim 7.

10.   Claim 13 is rejected under 35 U.S.C. 103(a) as unpatentable over Chow et al, in view of Desai et al., as applied to claim 7, and further in view of Blumenau (US publication 2004/0078292).

As to claim 13, Desai et al. disclose recording the history of pages of the Web site serviced by the Web server and viewed by the user of the device ([0029]); however, Desai et al. does not expressly disclose the log also records the time that a specific item of content was viewed by the device. Blumenau discloses recording the time the content is viewed ([0063].

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Chow-Desai, with the method disclosed by Blumenau

regarding recording the time the content is viewed. The suggestion/combination would have been to determine the duration of the content display (Blumenau, [0063]).

11.   Claim 14 is rejected under 35 U.S.C. 103(a) as unpatentable over Chow et al, in view of Desai et al., as applied to claim 7, and further in view of Forsyth (US publication 2004/0077340).

As to claim 14, Desai et al. discloses recording the history of content viewed by the user of the device ([0029]), but does not expressly disclose the log identifies whether content that is being viewed is updated content that had earlier been stored in device memory. Forsyth discloses a method of indicating whether the content is already stored in device memory or not (abstract; figure 7).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Chow-Desai, with the method disclosed by Forsyth regarding indicating whether the content is already stored in device memory or not. The suggestion/motivation of the combination would have been to improve user friendliness.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. F./
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456